

AO 91 Rev. 5-85 Criminal Complaint

United States District Court

DISTRICT OF Massachusetts

UNITED STATES OF AMERICA

V.

CONSTANT AUDAIN

CRIMINAL COMPLAINT

CASE NUMBER: 90-0515L

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 13, 1990 in Boston, Suffolk county, in the District of Massachusetts defendant(s) did, (Track Statutory Language of Offense)

travel from the Commonwealth of Massachusetts, in interstate commerce, with the intent to avoid prosecution by said Commonwealth for the felony crime of murder.

in violation of Title 18 United States Code, Section(s) 1073

I further state that I am a (X) Special Agent of the FBI and that this complaint is based on the following

Official Title

facts: See attached Affidavit.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No


Signature of Complainant
ALAN D. DIBONA

Sworn to before me and subscribed in my presence.

October 25, 1990

at

Boston, MA

Date

City and State

Lawrence P. Cohen - U.S. Magistrate

Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

Boston, Massachusetts
October ~~22~~, 1990
25

I, Alan D. DiBona, Special Agent, Federal Bureau of Investigation, being duly sworn, upon my oath depose and state:

1. The Federal Bureau of Investigation has been requested to assist the Suffolk County District Attorney's Office in the location and apprehension of Constant Audain.

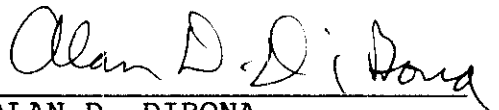
2. I have been informed by Newman Flanagan, Suffolk County District Attorney, as follows:

- a. Constant Audain was charged with the crime of murder, by complaint filed in West Roxbury District Court on March 13, 1990;
- b. The crime of murder is a felony under Massachusetts General Laws Chapter 265, Section 1;
- c. On March 13, 1990, an arrest warrant was issued by West Roxbury District Court for the apprehension of Constant Audain;
- d. Law enforcement efforts to locate Constant Audain within the Commonwealth of Massachusetts have been unsuccessful;


- e. As a result of information received by the Suffolk County District Attorney's office, it is believed that Constant Audain has fled the Commonwealth of Massachusetts and may now be in Haiti; and,
- f. The Suffolk County District Attorney's office will rendite Constant Audain if he is apprehended outside the District of Massachusetts.

3. Attached hereto and made a part hereof are certified copies of the following:

- a. Complaint; and
- b. Arrest Warrant.


ALAN D. DIBONA
Special Agent, FBI

Subscribed and sworn to before me this 25th day of October, 1990.


LAWRENCE P. COHEN
United States Magistrate

Commonwealth of Massachusetts

SUFFOLK, ss.

I, **Paul Murphy** *Justice*
of the Municipal Court of the West Roxbury District of the City of Boston, holden at said District,
for the transaction of criminal business, within the County of Suffolk, do certify that

John Brian Walsh

whose signature is affixed to the papers hereto annexed, is the Clerk of said Court and
hath the keeping of the files, records and proceedings of said Court; that he is by law the
proper person to make out and to certify copies of the files, records and proceedings of said
Court; that full faith and credit are and ought to be given to his acts and attestations, and
that his attestations to the papers hereto annexed are in due form.

I further certify that I know the signature of the said

John Brian Walsh

and that the signatures affixed to the annexed papers are the genuine signatures of the said

John Brian Walsh

In testimony whereof I have hereunto set my hand and
caused the seal of said Municipal Court of the West Roxbury District to be
hereunto affixed, this 4th day of October
in the year of our Lord one thousand nine hundred and ninety

Paul Murphy
Justice of the said
Municipal Court of the
West Roxbury District.

Commonwealth of Massachusetts

SUFFOLK, ss.

I, **John Brian Walsh** *Clerk*
of the Municipal Court of the West Roxbury District of the City of Boston, holden at said District,
for the transaction of criminal business, within the County of Suffolk, do certify that

Paul Murphy *Esquire,*

whose signature is hereto annexed, is the Justice of the said Municipal Court of the West Roxbury
District; that full faith and credit are and ought to be given to his acts and attestations; and that
his attestation hereto annexed is in due form. I further certify that I know the signature of the said

Paul Murphy *Esquire.*

and that the signature hereto affixed is the genuine signature of the said

Paul Murphy *Esquire.*

In testimony whereof I have hereunto set my hand and
affixed the seal of said Municipal Court of the West Roxbury District, this
4th day of October
in the year of our Lord one thousand nine hundred and ninety

John B. Walsh
Clerk of the said
Municipal Court of the
West Roxbury District

Ill Court of Massachusetts
District Court DepartmentCOURT DIVISION
W. Roxbury

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

Constant Audain
340 Main St
Randolph, MATO ANY JUSTICE OR CLERK-MAGISTRATE
OF THE DISTRICT COURT DEPARTMENT:

The within named and undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below.

DEF. DOB AND SEX
2/14/64OFFENSE CODE(S)
601DATE OF OFFENSE
2/15/90PLACE OF OFFENSE
6 Calder STCOMPLAINANT
Det Robert T TinlinPOLICE DEPARTMENT
Boston HomicideDATE OF COMPLAINT
March 13, 1990RETURN DATE AND TIME
WARRANT/CC#01146773COUNT OFFENSE
A. MURDER C265 S1

did assault and beat Fernando de los Santos, with intent to murder said person, and by such assault and beating did kill and murder said person, in violation of G.L. c.265, s.1.

COUNT OFFENSE

COUNT OFFENSE

COUNT OFFENSE

True copy attest

COMPLAINANT

x Robert T. Tinlin

FIRST JUSTICE
Paul Murphy

SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK

x

ON (DATE)

3-13-90

☐ ADDITIONAL
COUNTS
ATTACHEDA TRUE
COPY
ATTEST: X CLERK-MAGISTRATE/ASST. CLERK

ON (DATE)

COURT ADDRESS
445 Arborway
Jamaica Plain, MA 02130

Case 1:90-cr-00515-LBC Document 1 Filed 10/25/1998 Page 6 of 6

| | | | |
|---|--|---------------------------------|--|
| WARRANT ALIAS <input checked="" type="checkbox"/> ADULT <input type="checkbox"/> JUVENILE | | COURT DIVISION West Roxbury | Superior Court of Massachusetts District Court Department |
| NAME OF DEFENDANT Constant Audain 340 Main St Randolph, MA | | DOCKET NUMBER(S) 90-06CR1220 | OFFENSE(S) A. Murder C265 S1 |
| DATE OF BIRTH 2/14/64 | SEX XX MALE <input type="checkbox"/> FEMALE | RACE B | POLICE DEPARTMENT Boston |

REASON FOR WARRANT

- ☒ Representation of prosecutor that defendant may not appear unless arrested.
- ☐ Defendant failed to appear after being summoned to appear.
- ☐ Defendant failed to appear after recognizing to appear.
- ☐ Defendant failed to pay [fine][costs] in the amount of \$ _____.
- ☐ Defendant failed to pay non-criminal motor vehicle fine in the amount of \$ _____.
- ☐ Defendant was convicted of the offense(s) listed above on _____ and placed on probation until _____ and has, as represented to the court, failed to comply with the conditions of probation by _____.

☐ Other:

SS# *unk*

HT: 5'6

WT: 140

HAIR: Blk

EYES: Brn

TO ANY OFFICER AUTHORIZED TO SERVE CRIMINAL PROCESS:

The court has ordered that a

ALIAS

☒ Warrant

☐ Default Warrant

issue against the above defendant.

WARRANT

Therefore you are hereby commanded to arrest the above named defendant and bring the defendant forthwith before this court to answer to the offense(s) listed above and to be dealt with according to law.

NOTE: The defendant may not be bailed on a default warrant without a special order of the court.

| | | |
|--|---|--|
| FIRST JUSTICE WITNESS: Paul Murphy | DATE OF ISSUE 10/4/90 | CLERK-MAGISTRATE/ASST. CLERK X <i>John B. Walsh</i> |
| RETURN OF SERVICE | By virtue of this warrant, I certify that | |
| | True copy attest <i>John B. Walsh</i> Clerk | |
| | <input type="checkbox"/> The defendant has been arrested as ordered by the court. | |
| | <input type="checkbox"/> I am returning the warrant without service to the court. | |
| | DATE OF ARREST | SIGNATURE OF PERSON MAKING SERVICE X |
| | TITLE OF PERSON MAKING SERVICE | |